

**MCGOVERN & AMODIO LLC**

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MICHAEL P. AMODIO

March 9, 2015

Via FedEx

Hon. Alan S. Trust  
US Bankruptcy Court  
290 Federal Plaza  
Central Islip, NY 11722

RECEIVED  
2015 MAR 10 P 2:04  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

Re: In Re: Franklyn Khan Case No. 15-70784-ast

Dear Judge Trust:

I am a member of the firm of McGovern & Amodio, Esqs., the attorneys for the Secured Creditor, Kondaur Capital Corporation.

Today on March 9, 2015, I received the attached Order to Show Cause on the Debtor's motion to extend stay which is returnable on March 10<sup>th</sup>, 2015 at 9:30 AM by regular first class mail.

I note that the Debtor was supposed to serve the Order to Show Cause by the end of the business day on March 4<sup>th</sup>, 2015. I have enclosed a copy of the mailing envelope in which the Order to Show Cause was contained. As the Court can see, the envelope bears the post mark date of "06 Mar 2015." Clearly, the Debtor has not complied with the service requirements of the Order to Show Cause and on that basis, it should be denied.

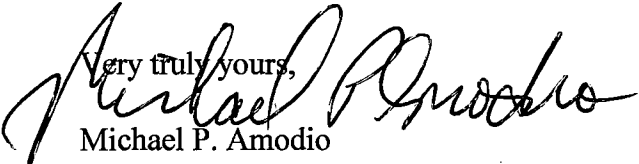
Please note that this is the Debtor's third bankruptcy filing in the last year: Case 14-72238 Chapter 7 filed on 05/15/14 and discharged on 08/27/14; Case No. 14-74811 Chapter 13 filed on 10/24/14 and dismissed by the Court's Order dated 01/13/15; and, Case No. 15-70784 filed on February 27, 2015. Despite the multiple filing of the Debtor, the foreclosure sale scheduled for March 4<sup>th</sup>, 2015 at 1:30 PM was cancelled.

Finally, I am unable to appear before the Court on March 10<sup>th</sup>, 2015 as I am scheduled to appear before the Hon. Robert Drain in White Plains for a Loss Mitigation Hearing in the Case No. 14-23103 (Pablo Ortiz) at 10:00 AM and before the Hon. Cecelia Morris in Poughkeepsie on a motion for relief in the Case No. 10-36409 (Jeanine Marie) at 11:00 AM.

Accordingly, should the Court not deny the Order to Show Cause because of improper service, I respectfully request that it be adjourned to a date in April to allow me to respond and appear.

Thank you for your attention.

Very truly yours,

  
Michael P. Amodio

RETURN DATE: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re: \_\_\_\_\_X

*FRANKLYN KITHAN*

Case No. *15-70784-AST*

Chapter: *13*

Debtor(s)  
\_\_\_\_\_  
\_\_\_\_\_X

ORDER TO SHOW CAUSE

Upon the annexed application of Movant, *FRANKLYN KITHAN* seeking entry of an Order to *TO EXTEND STAY*

\_\_\_\_\_, it is

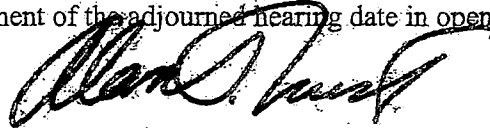
ORDERED that *Kondaur Capital Corp.* show cause at *9:30am* o'clock on the date of *March 10, 2015* or as soon thereafter as Movant may be heard before the Honorable *Alan S. Trust* Bankruptcy Judge in Courtroom *960* at United States Bankruptcy Court located at *290 Federal Plaza, Central Islip, NY*, why this Court should not enter an Order to *extend the automatic stay*

ORDERED that service of this Order to Show Cause together with the application be served on or before the end of the business day on *March 4, 2015*, upon *Kondaur Capital Corp. C/O McGovern and Amodio, 2 William Street Suite 306, White Plains, NY 10601*, and upon the Trustee at *115 Eileen Way, Suite 105, Syosset NY 11791* and United States Trustee.

ORDERED that objections, if any, to the relief requested shall be made in writing, shall set forth with particularity, the grounds for such objection and shall be filed with the Clerk of the Court along with an extra copy marked "Chambers Copy," Trustee, United States Trustee, and the Movant on or before *noon on March 9, 2015*; and it is further

ORDERED that the hearing scheduled herein may be adjourned by the Court, from time to time, without further notice other than announcement of the adjourned hearing date in open court.

Dated: *March 4, 2015*

  
\_\_\_\_\_  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

FRANKLYN KHAN

Case No. 15-70784-AST

Chapter: 13

Debtor(s)

APPLICATION IN SUPPORT OF  
ORDER TO SHOW CAUSE

To the Hon. TRUST, Bankruptcy Judge;

I, FRANKLYN KHAN, Movant herein, make this application in support  
of my Order to Show Cause to seek entry of an Order to:

TO EXTEND STAY

In support of the relief requested, I hereby allege as follows:

I ONLY HAD 1 OTHER CASE THIS YEAR THAT WAS  
DISMISSED KONDOR CAPITAL S-800S I HAD NO STAY AND  
I IS GOING TO FORCLOSE TODAY AT 1:30 PM. THE SALE  
SHOULD BE STOPPED

WHEREFORE, Movant prays for the entry of an Order to Show Cause granting the relief  
requested.

Dated: 3-4-15

By: [Signature]  
(Signature of movant)

Type or Print Name: FRANKLYN KHAN

Address: 51 STAMMIS AVE

DEER PARK NY 11729

Telephone Number: 631 445 4316

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Case No.

Chapter:

Debtor(s)

-----X

CERTIFICATE OF SERVICE

The undersigned certifies that on \_\_\_\_\_, a copy of the annexed papers was served by depositing same, enclosed in a properly addressed postage-paid envelope, in an official depository under the exclusive care of the United States Postal Service within the State of New York, upon *[below specify the name and mailing address of each party served]*:

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Kendall Capital  
c/o McGovern & Arnold  
3 William Street, Suite 306  
White Plains, NY 10601

10601191691



THE POSTAGE WILL BE  
PAID BY ADDRESSEE

Franklin Klein  
69 Country Ave  
Mashic, NY 11956